

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **LE ROI A. BAEZ, M.D.**

4 Holder of License No. **30154**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-07-0126A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

7 **INTRODUCTION**

8 The above-captioned matter came on for discussion before the Arizona Medical Board
9 ("Board") on March 26, 2007. After reviewing relevant information and deliberating, the Board
10 considered proceedings for a summary action against the license of Le Roi A. Baez, M.D.
11 ("Respondent"). Having considered the information in the matter and being fully advised, the Board
12 enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary
13 Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

14 **INTERIM FINDINGS OF FACT**

- 15 1. The Board is the duly constituted authority for licensing and regulating the practice of
16 allopathic medicine in the State of Arizona.
- 17 2. Respondent is the holder of License No. 30154 for the practice of allopathic medicine
18 in the State of Arizona.
- 19 3. The Board initiated case number MD-07-0126A received a complaint against Le Roi
20 A. Baez, M.D. ("Respondent") alleging he made inappropriate sexual advances by forcibly kissing
21 a female patient ("AC") on the mouth and groping her breasts. AC reported the encounter to the
22 Tucson Police Department and returned the next day to show them the bruise on her arm she
23 obtained from her encounter with Respondent. The police department took photographs of the
24 bruise.
- 25

1 4. AC, an employee of a hospital where Respondent treats his patients, was referred
2 to Respondent approximately two years ago and he performed an endoscopy. Thereafter she saw
3 Respondent for follow-up visits at his office. On one occasion, Respondent contacted AC on her
4 cell phone to give her the results of a gallbladder scan and told her he was calling from his cell
5 phone, gave her the number, and told her she could call him at any time at that number. AC used
6 that number twice – once when she went to the emergency department and prior to seeing him on
7 March 1 when she called Respondent when she was driving home from work at about 4:30 and felt
8 abdominal pain. Respondent instructed her to come to his office.

9 5. When AC arrived at Respondent's office at 4:45 the office was locked. Respondent
10 unlocked the door and relocked it when they entered. Respondent's staff had left for the day.
11 Respondent brought AC into his office where he sat behind his desk and she sat on the couch
12 explaining her symptoms. Respondent told her to stand and approached to examine her. AC
13 remained clothed. AC informed Respondent her primary care physician thought she might require
14 a colonoscopy and asked Respondent to refer her to a physician for a colonoscopy because she
15 was uncomfortable having Respondent perform the test since they had become acquainted
16 through AC's employment at the hospital.

17 6. AC inquired if she could have samples of Prevacid for relief. Respondent told AC he
18 would have to check the medication closet and instructed her to follow him down a hallway. AC
19 followed and observed Respondent through a crack in the door putting medication packets into a
20 bag. AC reported that as she was retrieving the samples from Respondent he forcibly pushed her
21 against the wall with his hands and body; she could feel his groin pressed against her right leg; he
22 grabbed her hair to force her head back and kissed her hard on the mouth and bit her bottom lip;
23 and tried to remove her shirt, and grabbed her breasts. AC reported when Respondent stepped
24 back and attempted to approach again, AC told him what he was doing was wrong and
25 Respondent asked "[w]hy not baby?" and attempted to verbally coerce her, but she informed him

1 she had to leave and walked down the hallway toward the front door where Respondent took a
2 deep breath and finally unlocked the door. AC reported that as she left, Respondent told her he
3 would refer her to someone for the colonoscopy and pay for it.

4 7. AC reported that she occasionally saw Respondent when she was on duty at the
5 nurses' station and he helped her with her biology home work on one occasion. AC reported
6 Respondent had always been cordial, had not previously made any advances, and she was taken
7 completely by surprise by his conduct at the March 1 visit.

8 8. On March 2, 2007 AC informed her supervisor at the hospital and they went to
9 Human Resources for guidance. AC was referred to the Quality Resource Manager who assisted
10 her with contacting the police and the Board.

11 9. Respondent was interviewed by Board Staff on March 8. Respondent admitted to
12 seeing AC after-hours on March 1, but denied touching or kissing her in a sexual manner during
13 the visit. Respondent stated he merely provided samples of Prevacid and discussed referring her
14 to another physician for the colonoscopy. Respondent stated an independent contractor ("DT")
15 who handles his billing was in the office at the time of AC's visit. Board Staff interview DT and she
16 indicated she heard Respondent's voice only once and he appeared to be dictating.

17 10. Respondent was ordered to undergo an evaluation at the Sexual Recovery Institute
18 ("SRI"). Respondent complied with the Order. On March 23, 2007 SRI contacted Board Staff and
19 reported that, based on the interviews and testing they conducted, Respondent was not safe to
20 return to work. SRI reported Respondent had called them on the 23rd to schedule a 2:30 p.m.
21 phone call wherein he said he would tell SRI what had "really happened." Shortly thereafter,
22 Respondent called and canceled that appointment.

23 11. The facts as presented demonstrate that the public health, safety or welfare
24 imperatively requires emergency action.
25

1 **INTERIM CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent, holder of License No. 30154 for the practice of allopathic medicine in the State of
4 Arizona.

5 2. The conduct and circumstances described above constitute unprofessional conduct
6 pursuant to A.R.S. § 32-1401(27)(z) ("[e]ngaging in sexual conduct with a current patient or with a
7 former patient within six months after the last medical consultation unless the patient was the
8 licensee's spouse at the time of the contact or, immediately preceding the physician-patient
9 relationship, was in a dating or engagement relationship with the licensee, for purposes of this
10 subdivision, "Sexual Conduct" includes: (i) engaging in or soliciting sexual relationships, whether
11 consensual or nonconsensual (ii) making sexual advances, requesting sexual favors or engaging
12 in other verbal conduct or physical conduct of a sexual nature and (iii) intentionally viewing a
13 completely or partially disrobed patient in the course of treatment if the viewing is not related to
14 patient diagnosis or treatment under current practice standards.").

15 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public
16 health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

17 **ORDER**

18 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,
19 IT IS HEREBY ORDERED THAT:

20 1. Respondent's license to practice allopathic medicine in the State of Arizona,
21 License No. 30154, is summarily suspended pending a formal hearing before an Administrative
22 Law Judge from the Office of Administrative Hearings.

23 2. The Interim Findings of Fact and Conclusions of Law constitute written notice to
24 Respondent of the charges of unprofessional conduct made by the Board against him.
25

Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 26th day of March 2007

[SEAL]



ARIZONA MEDICAL BOARD

By [Signature]
Timothy C. Miller, J.D.
Executive Director

ORIGINAL of the foregoing
26th day of March 2007, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing
mailed by US Mail this 26th day of
March 2007 to:

David E. Hill
Slutes, Sakrison & Hill, P.C.
33 North Stone Avenue
Suite 1000
Tucson, Arizona 85701-1489

Le Roi A. Baez, M.D.
Address of Record

Dean Brekke
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007

[Signature]